

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:07cr154

UNITED STATES OF AMERICA

vs.

PORFIRIO ORTA-ROSARIO (3)

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ORDER

THIS MATTER is before the Court upon the defendant's Motion for Bond Pending Appeal. (Doc. No. 370).

The Court allowed the defendant to remain on conditions of release pending designation to a Bureau of Prisons institution based on findings that he was not likely to flee and no longer posed a danger to the safety of any other person or the community. 18 U.S.C. § 3143(a)(1). To remain released pending appeal, a defendant must also must show that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in reversal, a new trial, a sentence without imprisonment, a sentence reduced below the time necessary for an appeal. 18 U.S.C. § 3143(b)(1)(B). Considering the issues noted by the defendant his motion and the entire record of this case, the Court finds that he has failed to establish that such a result is likely on appeal.

IT IS, THEREFORE, ORDERED that the defendant's Motion for Bond Pending Appeal (Doc. No. 370) is **DENIED**.

Signed: June 28, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

